

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

400Q0197

## SENATE BILL NO. 59

Introduced by: The Committee on Commerce at the request of the Public Utilities Commission

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the amount of the  
2 filing fee for the siting of energy facilities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-41B-12 be amended to read as follows:

5 49-41B-12. At the time of filing an application as required in § 49-41B-11 or as  
6 subsequently required by the ~~Public Utilities Commission~~ commission, an applicant shall  
7 deposit with the commission an initial amount to be determined by the commission based upon  
8 the estimated cost of investigating, reviewing, processing, and serving notice of an application.  
9 The amount shall be deposited with the state treasurer and credited to a subfund within the  
10 designated revenue fund and shall be disbursed on vouchers approved by the commission for  
11 the actual cost of ~~investigation~~ investigating, reviewing, processing, and serving notice of ~~said~~  
12 the application. The maximum fee chargeable may not exceed one-quarter of one percent of the  
13 first one hundred million dollars of estimated construction cost, ~~and may not exceed plus~~  
14 one-twentieth of one percent of all additional estimated construction costs of the facility.  
15 However, the minimum total fee chargeable may not be less than eight thousand dollars.



1        If the commission determines that an environmental impact statement should be prepared  
2        as provided under chapter 34A-9 before taking final action on an application under this chapter,  
3        the maximum fee chargeable above may be increased to an amount not to exceed one-half of  
4        one percent of the first one hundred million dollars of estimated construction cost, ~~and may not~~  
5        ~~exceed~~ plus one-twentieth of one percent of all additional estimated construction costs of the  
6        facility; ~~except that.~~ However, the provisions of this paragraph ~~may~~ do not apply in cases in  
7        which a detailed environment impact study has been completed pursuant to the requirements  
8        of the National Environmental Policy Act of 1969 as amended to January 1, 2009, and  
9        implementing regulations thereto ~~where~~ if such a statement is available to the commission at  
10       least thirty days prior to the time the commission is required to render a decision under § 49-  
11       41B-24 or 49-41B-25. The provisions of this section ~~shall~~ apply to all pending permit  
12       applications and future permit applications before the commission.